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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,982	12/08/2003	Steve Roman Michel Van Den Berghe	Q78732	2806

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
LIN, SUN J	

ART UNIT	PAPER NUMBER
2825	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/728,982	VAN DEN BERGHE ET AL.	
	Examiner	Art Unit	
	Sun J. Lin	2825	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12/08/2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/08/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to application and preliminary amendments filed on 12/08/2003 regarding patent application S/N 10/728,982. Claims 1 – 10 remain pending in the application.

Drawing Objections

2. Drawings listed below are objected to because of following informalities:

Figs. 1 – 4, each numerically labeled box should contain a short and concise text description associated with it.

Appropriate correction is required.

Claim Objections

3. Claims listed below are objected to because of the following informalities:

Claim 1, line 1, change "Processor" to —**A processor**—.
Claim 1, line 3, delete —**integrated-circuit-environment (8)**—.
Claim 1, line 3, before "traffic" insert —**said**—.
Claim 1, line 6, change "with" to —**wherein**—.
Claim 1, line 7, change "with" to —**wherein said**—.
Claim 1, line 8, change "computer" to —**processor**—.
Claim 2, line 1, change "Processor" to —**The processor**—.
Claim 2, line 3, before "generated" insert —**said**—.
Claim 3, line 1, change "Processor" to —**The processor**—.
Claim 3, line 2, before "generated" insert —**said**—.
Claim 3, line 3, before "traffic signals" insert —**said**—.
Claim 4, line 1, change "Processor" to —**The processor**—.
Claim 5, line 1, change "Processor" to —**The processor**—.
Claim 6, line 1, change "Processor" to —**The processor**—.
Claim 7, line 1, change "Processor" to —**The processor**—.
Claim 8, line 1, change "Processor-system" to —**A processor-system**—.
Claim 8, line 3, delete —**integrated-circuit-environment (8)**—.
Claim 8, line 3, before "traffic" insert —**said**—.

Claim 8, line 6, change "with" to **—wherein—**.
Claim 8, line 7, change "with" to **—wherein said—**.
Claim 9, line 1, change "Integrated" to **—An integrated—**.
Claim 9, line 3 – 4, delete **—integrated-circuit-environment (8)—**.
Claim 9, line 4, before "traffic" insert **—said—**.
Claim 9, line 6, change "with" to **—wherein—**.
Claim 9, line 7, change "with" to **—wherein said—**.
Claim 10, line 1, change "Method" to **—A method—**.
Claim 10, line 3, before "traffic" insert **—said—**.
Claim 10, line 6, change "with" to **—wherein said—**.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

(1). Determining the scope and contents of the prior art.
(2). Ascertaining the differences between the prior art and the claims at issue.
(3). Resolving the level of ordinary skill in the pertinent art.
(4). Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1 – 5 and 8 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,377,196 to *Godlew et al.* in view of U.S. Patent No. 5,592,628 to *Ueno et al.*

6. As to Claim 1, *Godlew et al.* show and teach the following subject matter:

- An application program product 102 (i.e., processor program product) includes an *expert system* which controls a *protocol analyzer* 138 for automatically diagnosing a *data communications network* 142 – [Fig. 1; col. 12, line 17 – 24]; Application program (product) 102 is operated on a computer platform which includes a central processing unit (CPU) – [col. 12, line 25 – 49]; Therefore, the application program (product) is a processor program product; Notice that (1) a data communication network is designed to handle traffic signals (2) a protocol analyzer is designed to have a capabilities of generating and analyzing test traffic signals for use in testing a data communication network applying a loop-back check technique;
- Expert system 102, which is a part of application program (product) comprises one *generic module* 214A and four *specific modules* 214B,C,D,E – [Fig. 2; col. 14, line 47 – col. 15, line 35; col. 24, line 19 - col. 26, line 15];
- *Measurement module* 214C (i.e., specific module) is designed for interfacing the *protocol analyzer* and the *data communication network* with a *(standard) protocol* – [col. 26, line 18 – col. 27, line 32].

Godlew et al. does not teach an integrated-circuit-environment which comprises a processor system having a capabilities of receiving/transmitting test traffic signals from/to the protocol analyzer. But *Ueno et al.* show and teach a data communication network, which is integrated with a set of processor elements (called *processor system* hereinafter) and a set of (transfer) buffers for use in transmitting and receiving of traffic signals – [Fig. 2; Fig. 3; Fig. 5; Fig. 8; abstract].

Notice the data communication network is integrated with a *processor system* and a set of (transfer) buffers, which is an *integrated-circuit environment*, in order to provide capabilities of in transmitting and receiving of traffic signals, which is useful in a loop-back verification of the data communication network utilizing a protocol analyzer.

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have applied the teachings of *Ueno et al.* in integrating a *processor system* and a set of (transfer) buffers with a data communications network to constitute an integrated-circuit environment in order to provide capabilities of

transmitting and receiving of traffic signals for use in verification of functionalities of the data communications network in a loop-back check utilizing a protocol analyzer.

For reference purposes, the explanations given above in response to Claim 1 are called **[Response A]** hereinafter.

7. As to Claims 8, 9 and 10, reasons are included in **[Response A]** given above.

8. As to Claim 2, in addition to reasons included in **[Response A]** given above, *Ueno et al.* show and teach the subject matter in Figs. 1 – 9. Notice that data transmission processor 26 is a host processor of the processor system.

9. As to Claim 3, reasons are included in **[Response A]** given above. Notice that (1) a protocol analyzer is a part of processor program product (2) a protocol is embedded in software traffics, and it is transmitted/received by a (software traffic) sender/receiver of a protocol analyzer.

10. As to Claim 4, a (standard) protocol is applied for transmitting/receiving traffic signals to/from between a data communications network and a protocol analyzer; therefore, it is a traffic protocol.

11. As to Claim 5, *Internet network* is a *data communications network*; therefore, the traffic protocol can be an Internet protocol.

12. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,377,196 to *Godlew et al.* and U.S. Patent No. 5,592,628 to *Ueno et al.* in view of US Patent Application Publication No. 2003/0229827 A1 to *Dun et al.*

13. As to Claim 6, *Godlew et al.* and *Ueno et al.* teach all subject matter as recited in Claim 5, they do not teach that the protocol comprises a bus protocol. But *Dun et al.* disclose advantages of utilizing serial bus protocol for transmission traffic data between (communications) devices – [Paragraph 0005]. *Dun et al.* disclose that a bus protocol

enable *increase data transfer speeds between devices* and allow protocol analyzer to monitor buses to which they connected and alert users to an abnormal bus.

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have applied the teachings of *Dun et al.* in utilizing a bus protocol on bus interconnecting between the protocol analyzer and data communications network in order to increase data transfer speeds between these two devices and allow the protocol analyzer to monitor buses and alert users to an abnormal bus.

14. As to Claim 7, SPI4.2 protocol is a well-known industrial standard bus protocol for use in communication chips, which are building blocks of an data communications network, to receiver and transfer data.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sun J Lin whose telephone number is (571) 272 - 1899. The examiner can normally be reached on Monday-Friday 9:30AM - 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S Smith can be reached on (571) 272 - 1907. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sun James Lin
Patent Examiner
Art Unit 2825
July 7, 2005